

**JOINT RESOLUTION REGARDING
ELIGIBILITY FOR LEGISLATIVE OFFICE**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. McCoy

House Sponsor: _____

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to amend a provision relating to legislator eligibility.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ specify that the time for calculating residency requirements for a person appointed to fill mid-term vacancies in the office of senator or representative is the time of appointment rather than the time for filing for the office;
- ▶ clarify that a provision prohibiting a senator or representative from continuing to serve after ceasing to be a resident of the applicable district applies also to a person appointed to fill a mid-term vacancy; and
- ▶ make technical changes.

Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2011 for this proposal.

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VI, SECTION 5



Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:

Section 1. It is proposed to amend Utah Constitution Article VI, Section 5, to read:

Article VI, Section 5. [Who is eligible as a legislator.]

~~[No]~~ (1) (a) A person ~~[shall be]~~ is not eligible to the office of senator or representative ~~[who]~~ unless the person is ~~[not]~~:

(a) a citizen of the United States;

(b) at least twenty-five years of age;

(c) a qualified voter in the district from which the person is chosen;

(d) a resident of the state for three consecutive years immediately prior to:

(i) the last date provided by statute for filing for the office, ~~for a person seeking~~ election to the office; or

(ii) the person's appointment to the office, for a person appointed to fill a mid-term vacancy; and

(e) (i) a resident of the district from which the person is elected for six consecutive months immediately prior to the last date provided by statute for filing for the office~~[-No]~~; or

(ii) a resident of the district for which the person is appointed for six consecutive months immediately prior to the person's appointment, for a person appointed to fill a mid-term vacancy.

(2) A person elected or appointed to the office of senator or representative ~~[shall]~~ may not continue to serve in that office after ceasing to be a resident of the district from which elected or for which appointed.

Section 2. Submittal to voters.

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

Section 3. Effective date.

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2011.

Legislative Review Note
as of 2-2-09 3:04 PM

Office of Legislative Research and General Counsel